

**IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

ANGELA HOOVER,)
Plaintiff)
v.) Case No.: 5:11-cv-04322-JKG
MONARCH RECOVERY MANAGEMENT,) COMPLAINT AND DEMAND FOR
INC.,) JURY TRIAL
Defendant) (Unlawful Debt Collection Practices)

AMENDED COMPLAINT

ANGELA HOOVER (“Plaintiff”), by her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against MONARCH RECOVERY MANAGEMENT, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff's Amended Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business and has its main office in the Commonwealth of Pennsylvania and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

PARTIES

5. Plaintiff is a natural person residing in Strasburg, Pennsylvania, 17579.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1692a(3).

7. Defendant is a debt collection company with its principal place of business located at 10965 Decatur Road, Philadelphia, Pennsylvania, 19154.

8. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. At all relevant times, Defendant was attempting to collect an alleged consumer debt from Plaintiff.

11. The alleged debt at issue arose out of transactions, which were primarily for personal, family, or household purposes.

12. Beginning in or before June 2010, Defendant constantly and continuously contacted Plaintiff seeking and demanding payment for a consumer debt.

13. Plaintiff received telephone calls and voice messages from Defendant on a number of occasions from the following telephone number: (800) 503-3852, which the

1 undersigned confirmed is a phone number for Defendant.

2 14. Defendant contacted Plaintiff several times a week, and at times on multiple days
3 each week, causing her to receive more than five (5) collection calls a week.

4 15. For example, Defendant contacted Plaintiff on July 11, 2010; July 13, 2010 (four
5 times); July 14, 2010; and July 15, 2010 (two times).

6 16. In addition to calling Plaintiff continuously and repeatedly, Defendant also left
7 voicemail messages on her home answering machine, causing her to receive multiple
8 communications from Defendant.

9 17. For example on June 8, 2010, at 8:23 a.m., Defendant contacted Plaintiff on her
10 home telephone and left the following pre-recorded, voicemail message.

12 This is a message from 1-800-503-3852 today at 8:32 a.m. June 8.
13 This is a message for Angela Hoover. If this is not you please
14 hang-up or disconnect. By continuing to listen to this message you
15 acknowledge you are Angela Hoover.

16 This is Monarch Recovery Management. This communication is
17 from a debt collector and any information obtained will be used for
18 that purpose. Please contact me about this matter at 800-220-2577
19 and refer to serial number 18500370. Thank you.

20 See Exhibit A, June 8, 2010, voicemail message from Defendant.

21 18. Defendant continued to contact Plaintiff, leaving the same pre-recorded,
22 voicemail message on Plaintiff's voicemail. Plaintiff saved some of those voicemail messages,
23 specifically the ones that she received from Defendant on: June 8, 2010; July 5, 2010; July 11,
24 2010; and July 13, 2010.

25 19. On July 5, 2010, at 9:26 a.m., Defendant called Plaintiff on her home telephone
26 and left the following pre-recorded, voicemail message:

28 Third message from 1-800-503-3852 today at 9:26 a.m. July 5.
29 This is a message for Angela Hoover. If this is not you please

1 hang-up or disconnect. By continuing to listen to this message you
2 acknowledge you are Angela Hoover.
3

4 This is Monarch Recovery Management. This communication is
5 from a debt collector and any information obtained will be used for
6 that purpose. Please contact me about this matter at 800-220-2577
7 and refer to serial number 18500370. Thank you.

8 See Exhibit B, July 5, 2010, voicemail message from Defendant.

9 20. Also, on July 11, 2010, at 12:20 p.m., Defendant again called Plaintiff on her
10 home telephone and left the following pre-recorded, voicemail message:
11

12 Sixth message from 1-800-503-3852 today at 12:20 p.m. July 11.
13 This is a message for Angela Hoover. If this is not you please
14 hang-up or disconnect. By continuing to listen to this message you
15 acknowledge you are Angela Hoover.

16 This is Monarch Recovery Management. This communication is
17 from a debt collector and any information obtained will be used for
18 that purpose. Please contact me about this matter at 800-220-2577
19 and refer to serial number 18500370. Thank you.

20 See Exhibit C, July 11, 2010, voicemail message from Defendant.

21 21. Again on July 13, 2010, at 12:20 p.m., Defendant called Plaintiff on her home
22 telephone and left the following pre-recorded, voicemail message:
23

24 Eighth message from 1-800-503-3852 today at 8:57 a.m. July 13.
25 This is a message for Angela Hoover. If this is not you please
hang-up or disconnect. By continuing to listen to this message you
acknowledge you are Angela Hoover.

This is Monarch Recovery Management. This communication is
from a debt collector and any information obtained will be used for
that purpose. Please contact me about this matter at 800-220-2577
and refer to serial number 18500370. Thank you.

See Exhibit D, July 13, 2010, voicemail message from Defendant.

22. Most recently, another pre-recorded voicemail message was left for Plaintiff on
her home telephone from Defendant, stating:

1 Eleventh message from 1-800-503-3852 yesterday at 813 a.m. This
2 is a message for Angela Hoover. If this is not you please hang-up
3 or disconnect. By continuing to listen to this message you
4 acknowledge you are Angela Hoover.

5 This is Monarch Recovery Management. This communication is
6 from a debt collector and any information obtained will be used for
7 that purpose. Please contact me about this matter at 800-220-2577
8 and refer to serial number 18500370. Thank you.

9
10 See Exhibit E, voicemail message from Defendant.

11 23. Upon information and belief, Defendant contacted Plaintiff on a continuous and
12 repetitive basis with the intent of harassing Plaintiff into paying the alleged debt.

13 24. Finally, within five (5) days of Defendant's initial communication with Plaintiff,
14 Defendant failed to send Plaintiff written notification of her rights to dispute the debt and/or to
15 request verification of the debt, as well as to provide her with the name of the creditor and the
16 amount of the debt.

17 25. Defendant's actions in attempting to collect the alleged debt were harassing,
18 abusive and highly deceptive.

19 COUNT I

20 DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

21 26. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or
22 more of the following ways:

23 a. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's telephone
24 to ring repeatedly or continuously with the intent to harass, annoy or abuse
25 Plaintiff;

b. Defendant violated §1692g of the FDCPA by failing to notify Plaintiff within
five (5) days of its initial communication of Plaintiff's rights to dispute the

1 debt, seek verification of the debt, and seek information regarding the original
2 creditor.

3 WHEREFORE, Plaintiff, ANGELA HOOVER, respectfully prays for a judgment as
4 follows:

5 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
6 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant
7 to 15 U.S.C. § 1692k(a)(2)(A);
8 c. All reasonable attorneys' fees, witness fees, court costs and other litigation
9 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3);
10 d. Any other relief deemed appropriate by this Honorable Court.

12

13 **DEMAND FOR JURY TRIAL**

14 PLEASE TAKE NOTICE that Plaintiff, ANGELA HOOVER, demands a jury trial in
15 this case.

16 RESPECTFULLY SUBMITTED,

17 DATED: 09/17/2012

KIMMEL & SILVERMAN, P.C.

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